

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

No. C 14-04302 WHA
No. C 14-04309 WHA
No. C 14-04312 WHA

**ORDER RE PARTIAL STAY AND
ORDER DENYING MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

AVAYA INC.,

Defendant.

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

This order will be filed in all three above-captioned actions wherein plaintiff
Straight Path IP Group, Inc. has moved for leave to file a motion for reconsideration of an order
denying without prejudice a complete stay. For the reasons stated herein, plaintiff's motion is
DENIED.

1 No accused defendant herein has petitioned for *inter partes* review of any of the asserted
2 patents and no accused defendant has agreed to be bound by the outcome of any *inter partes*
3 review proceeding filed by strangers.


4 Although one *inter partes* review proceeding has been requested by a stranger to this
5 litigation (namely, Sipnet EU S.R.O.) as to one of the asserted patents herein and that proceeding
6 is now on appeal, no *inter partes* review proceedings have been instituted as to the other four
7 asserted patents. Indeed, no petition to institute an *inter partes* review proceeding has been filed
8 by anyone for U.S. Patent No. 7,149,208 asserted against defendant Apple Inc. Thus, under the
9 common law factors for a stay, it has not been shown that a complete stay would simplify the
10 issues in question. Although this order hereby **STAYS** the portion of the case as to the patent now
11 on appeal (U.S. Patent No. 6,108,704), progress can be accomplished as to the remainder.

12 Straight Path's reliance on *Versata Software, Inc. v. Callidus Software, Inc.*, No. 14-1468,
13 2014 WL 6480522, at *3, 7 (Fed. Cir. Nov. 20, 2014), is misplaced because that decision, as
14 Straight Path concedes, involved covered business method review under Section 18(b) of the
15 AIA, "which do[es] not apply here" (Br. 2).

16 Accordingly, plaintiff's motion for leave to file a motion for reconsideration is **DENIED**.
17 The January 8 hearing date is hereby **VACATED**. The December 18 initial case management
18 conference remains on calendar. This is all without prejudice to a proper motion promptly filed if
19 circumstances change.

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21 **IT IS SO ORDERED.**

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23 Dated: November 26, 2014.

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26 WILLIAM ALSUP
27 UNITED STATES DISTRICT JUDGE
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